

# EXHIBIT 5

FOR SETTLEMENT PURPOSES

**IN THE UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

NICK PEARSON, On Behalf of Himself and All Others  
Similarly Situated,

Plaintiff,

vs.

TARGET CORPORATION, a Minnesota Corporation,  
Defendant.

Case No. 11cv07972

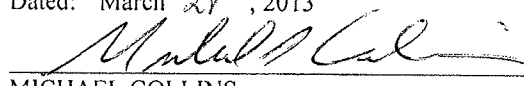
Honorable James B. Zagel

DECLARATION

I, MICHAEL COLLINS, declare under the penalty of perjury as follows:

1. I, MICHAEL COLLINS, make this Declaration of behalf of NBTY, Inc., Rexall Sundown, Inc., and their subsidiaries ("Settling Defendants").
2. I am the Chief Financial Officer of NBTY, Inc. and have authority to make this Declaration on behalf of the Settling Defendants.
3. The Settling Defendants have the authority to implement (for branded products) or require the implementation of (for private label products manufactured or supplied by the Settling Defendants) the label changes identified on Exhibit B to the Settlement Agreement, for the products listed on Exhibit A to the Settlement Agreement.
4. None of the Settling Defendants currently make any donations to the Orthopaedic Research and Education Foundation.
5. I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 28, 2013

  
MICHAEL COLLINS  
CHIEF FINANCIAL OFFICER  
NBTY, Inc.